

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

**TRUEPOSITION, INC.,**

Plaintiff and  
Counterclaim-Defendant,

v.

**ANDREW CORPORATION,**

Defendant and Counterclaim  
Plaintiff.

Civil Action No. 05-747-SLR

**MOTION FOR EXTENSION OF TIME**

Defendant Andrew Corporation respectfully requests an extension of the deadline by which Andrew shall serve its opening brief on its remaining equitable defenses through November 1, 2007. Andrew makes this request for the following reasons:

1. The Court's October 17, 2007, email directed the parties to file their post-trial submissions on the remaining equitable defenses in accordance with the Court's Procedure for Briefing Following a Bench Trial. The Court's Procedure in turn requires that, should the parties fail to agree to a briefing schedule within a reasonable time, the opening submission shall be filed within 30 days of the filing of the last trial transcript. The last trial transcript was filed on September 17, 2007, making Andrew's opening brief due on the same day as the Court's email directive.

2. The dispute between the parties has been whether Andrew is entitled to any post-trial briefing on the remaining equitable defenses, not what the briefing schedule should be. That is, Plaintiff TruePosition took the position that Andrew is not entitled to any post-trial briefing on the remaining equitable defenses, no matter what the schedule, and on that basis refused to discuss a briefing schedule of any kind.

3. Following the Court's October 17, 2007 email making clear that Andrew is entitled to post-trial briefing on the remaining equitable defenses, Andrew called and emailed TruePosition to propose a briefing schedule. Despite agreeing to get back to Andrew "very shortly" and in any event by the evening of October 17 as Andrew requested, TruePosition did not do so, not even to say that it needed more time to consider the proposal.

4. Counsel for Andrew thus has made a reasonable, but unsuccessful, effort to reach agreement with opposing counsel on a briefing schedule concerning those defenses.

WHEREFORE, Andrew respectfully requests that the Court grant its motion and enter an order in the form attached hereto.

YOUNG CONAWAY STARGATT  
& TAYLOR, LLP

/s/ Andrew A. Lundgren

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Dated: October 17, 2007

**CERTIFICATE OF SERVICE**

I, Andrew A. Lundgren, Esquire, hereby certify that on October 17, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on October 17, 2007, I caused a copy of the foregoing document to be served by e-mail on the above-listed counsel of record and on the following in the manner indicated:

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